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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,767	10/05/2001	John M. Jamail	107877	1944

21324 7590 01/06/2005  
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EXAMINER

LIN, KENNY S

ART UNIT PAPER NUMBER

2154

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/970,767

Applicant(s)

JAMAIL ET AL.

Examiner

Kenny Lin

Art Unit

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-- Th MAILING DATE of this communication appears on th cover sh et with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-32 are presented for examination.

#### ***Claim Objections***

2. Claims 30-32 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 30-32 contain the same limitations claimed in claims 27-29 and need to be cancelled to remove the redundancy in claiming such limitations.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 6-8, 10-21, 29 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following claim language is not clearly understood:
  - i. Claim 11, line 5 – “the requesting content machine as the content corresponding to the requesting client machine” (do you mean “the requesting client machine as the content corresponding to the first content request?”).
- b. The following term lack proper antecedence basis:

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- i. Claim 11, line 5 – “the requesting content machine” (do you mean “the requesting client machine?” If yes, please change to “the requesting client machine as the content corresponding to the first content request”).
- c. The following terms contain grammar errors:
  - i. Claims 6, 7, 8 and 10, lines 5 – “searching, if at least one secondary server is not known a plurality of” (do you mean to include a comma like: “searching, if at least one secondary server is not known, a plurality of?”);
  - ii. Claims 29 and 32, lines 5 – “does not indicates” (change to “does not indicate”).

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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6. Claims 1-5, 9, 11-15 and 22-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Doyle, US 6,678,793.

7. As per claim 1, Doyle taught the invention as claimed including a method for responding to a content request received from a requesting client machine, comprising:

- a. Receiving a first content request from the requesting client machine (col.6, lines 37-43, col.7, lines 12-19);
- b. Generating second content request based on the first content request (col.7, lines 48-51);
- c. Transmitting the second content request to at least one secondary server (col.7, lines 48-51);
- d. Receiving content corresponding to the second content request from at least one of the at least one secondary server (col.7, lines 51-55, col.8, lines 15-26); and
- e. Forwarding to the requesting client machine the received content as the content corresponding to the first content request (col.8, lines 27-34).

8. As per claim 2, Doyle taught the invention as claimed in claim 1. Doyle further taught the method to comprise:

- a. Determining, before generating the second content request, if the content corresponding to the first content request is locally available (col.7, lines 17-22);  
and

- b. Forwarding the locally-available content as the content corresponding to the first content request in place of performing the generating, transmitting, receiving and received content forwarding steps (col.7, lines 38-40).

9. As per claim 3, Doyle taught the invention as claimed in claim 2. Doyle further taught the method to further comprise locally storing the received content corresponding to the second content request, the locally-stored received content being locally available to a subsequent content request from the requesting client machine requesting content at least similar to the first content request (col.7, lines 17-22, col.8, lines 30-32).

10. As per claim 4, Doyle taught the invention as claimed in claim 3. Doyle further taught the method to comprise:

- a. Determining, if the content corresponding to the first content request is locally available, whether to update the locally available content corresponding to the first content request (col.7, lines 17-22, 32-37);
- b. Forwarding the locally-available content as the content corresponding to the first content request in place of performing the generating, transmitting, receiving and received content forwarding steps if the locally available content is not to be updated (col.7, lines 38-40); and
- c. Performing the generating, transmitting, receiving and received content forwarding steps if the locally available content is to be updated (col.7, lines 48-55, col.8, lines 15-26).

11. As per claim 5, Doyle taught the invention as claimed in claim 4. Doyle further taught to determine whether to update the locally available content corresponding to the first content request comprises at least one of determining if the locally available content corresponding to the first content request is older than an update age (col.1, lines 43-46, col.7, lines 32-34); determining if the locally available content corresponding to the first content request includes expiration information (col.1, lines 43-46, col.7, lines 32-34).

12. As per claim 9, Doyle taught the invention as claimed in claim 4. Doyle further taught to comprise locally storing the received content corresponding to the second content request (col.8, lines 27-32).

13. As per claim 11, Doyle taught the invention as claimed including a system usable to respond to a content request received from a requesting client machine (col.6, lines 37-43, col.7, lines 12-19), comprising a proxy server able to receive the content request and generate and transmit a second content request to at least one secondary server (col.7, lines 48-51) and able to receive the content from at least one of the at least one secondary server (col.7, lines 51-55, col.8, lines 15-26) and transmit the received content to the requesting content machine as the content corresponding to the requesting client machine (col.8, lines 27-34).

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14. As per claim 12, Doyle taught the invention as claimed in claim 11. Doyle further taught the system to comprise a storage device usable to store content locally relative to the proxy server (col.8, lines 27-32).

15. As per claim 13, Doyle taught the invention as claimed in claim 12. Doyle further taught the proxy server to determine whether content corresponding to the first content request is stored in the storage device (col.7, lines 17-22), such that, when content corresponding to the first content request is stored in the storage device, the proxy server transmits the content stored in the storage device corresponding to the first content request to the requesting client machine as the content corresponding to the first content request (col.7, lines 38-40).

16. As per claim 14, Doyle taught the invention as claimed in claim 12. Doyle further taught the proxy server to determine, for a particular content stored in the storage device, whether to update that particular content stored in the storage device in response to receiving a content request to which that particular content corresponds (col.1, lines 43-46, col.7, lines 32-34).

17. As per claim 15, Doyle taught the invention as claimed in claim 14. Doyle further taught that when the proxy server determine to update the content, the proxy server transmits a second content request to which that particular content corresponds to at least one secondary server (col.7, lines 48-55, col.8, lines 15-26).



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18. As per claim 22, Doyle taught the invention as claimed including a system usable to respond to a content request received from a requesting client machine, comprising:

- a. Means for receiving a first content request form the requesting client machine (col.6, lines 37-43, col.7, lines 12-19);
- b. Means for generating and transmitting a second content request to at least one secondary server corresponding to the first content request (col.7, lines 48-51);
- c. Means for receiving content corresponding to the second content request from at least one of the at least one secondary server (col.7, lines 51-55, col.8, lines 15-26); and
- d. Means for transmitting the received content to the requesting content machine as the content corresponding to the first content request (col.8, lines 27-34).

19. As per claim 23, Doyle taught the invention as claimed in claim 22. Doyle further taught the system to comprise storing means for storing content locally relative to the means for receiving (col.8, lines 27-32).

20. As per claim 24, Doyle taught the invention as claimed in claim 23. Doyle further taught to comprise means for determining whether content corresponding to the first content request is stored in the storing means (col.7, lines 17-22), such that, when content corresponding to the first content request is stored in the storing means, the means for transmitting the received content transmits the content stored in the storage means corresponding to the first content request to the

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requesting client machine as the content corresponding to the first content request (col.7, lines 38-40).

21. As per claim 25, Doyle taught the invention as claimed in claim 23. Doyle further taught to comprise updating means for determining, for a particular content stored in the storing means, whether to update that particular content stored in the storing means in response to receiving a content request to which that particular content corresponds (col.1, lines 43-46, col.7, lines 32-34).

22. As per claim 26, Doyle taught the invention as claimed in claim 25. Doyle further taught that when the updating means determines to update the content, the means for generating and transmitting transmits a second content request to which that particular content corresponds to at least one secondary server (col.7, lines 48-55, col.8, lines 15-26).

***Claim Rejections - 35 USC § 103***

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claims 6-8, 10, 16-21 and 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doyle, US 6,678,793, in view of Shannon, US 6,233,618.

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25. As per claims 6-8 and 10, Doyle taught the invention substantially as claimed in claims 1-5 and 9. Doyle did not specifically teach the method to comprise:

- a. Determining whether at least one secondary server is known to store at least a type of content that corresponds to the content corresponding to the first content request based on a stored content map;
- b. Searching, if at least one secondary server is not known, a plurality of secondary servers to identify at least one secondary server that contains at least a type of content that corresponds to the content corresponding to the first content request;
- c. Adding, in response to the searching step, to the stored content map the at least one identified secondary server located by the search; and
- d. Transmitting, based on the at least one secondary server identified in the content map, the second content request to that at least one secondary server in response to either the adding step or the at least one secondary server determining step.

26. Shannon taught a method to restrict user access using categories to determine whether at least one secondary server is known to store at least a type of content that corresponds to the content corresponding to the first content request based on a stored content map (col.9, lines 18-24, 64-67, col.10, lines 1-28); searching a plurality of secondary servers to identify at least one secondary server that contains at least a type of content that corresponds to the content corresponding to the first content request if at least one secondary server is not known (col.10, lines 10-28); in response to the searching step, adding to the stored content map the at least one

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identified secondary server located by the search (col.10, lines 21-28) and transmitting, based on the at least one secondary server identified in the content map, the second content request to that at least one secondary server in response to either the adding step or the at least one secondary server determining step (col.10, lines 24-28, col.12, lines 37-45, col.13, lines 19-30, 52-67, col.14, lines 1-5, 16-25, 49-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Doyle and Shannon because Shannon's teaching of accessing control and database matching enables Doyle's method to match the content categories in the request and determine whether the user is permitted to access the particular server to obtain the requested content.

27. As per claims 16 and 19, Doyle taught the invention substantially as claimed in claims 11-15. Doyle did not specifically teach to further comprise a content map that indicates, for at least some content requests, at least one secondary server known to store at least a type of content that corresponds to that content request. Shannon taught to comprise a content map that indicates at least one secondary server known to store at least a type of content that corresponds to a content request (col.9, lines 18-24, 64-67, col.10, lines 1-28; category database) and further use the content map to match the content request and determine whether the requesting user is permitted to access the secondary server (col.10, lines 24-28, col.12, lines 37-45, col.13, lines 19-30, 52-67, col.14, lines 1-5, 16-25, 49-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Doyle and Shannon because Shannon's teaching of accessing control and database matching enables

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Doyle's method to match the content categories in the request and determine whether the user is permitted to access the particular server to obtain the requested content.

28. As per claims 17 and 20, Doyle and Shannon taught the invention substantially as claimed in claims 16 and 19. Shannon further taught that the proxy server determines the at least one secondary server to which the second content request is transmitted based on the content map (col.10, lines 10-28, col.12, lines 37-45, col.13, lines 19-30, 52-67, col.14, lines 1-5, 16-25, 49-59).

29. As per claims 18 and 21, Doyle and Shannon taught the invention substantially as claimed in claims 16 and 19. Shannon further taught that the proxy server determines whether the content map indicates at least one secondary server known to store at least a type of content that corresponds to the content corresponding to the first content request, the proxy server generating a search of a plurality of secondary servers if the content map does not indicate at least one secondary server known to store at least a type of content that corresponds to the content corresponding to the first content request, the proxy server updating the content map based on results of the search (col.10, lines 10-28, col.12, lines 37-45, col.13, lines 19-30, 52-67, col.14, lines 1-5, 16-25, 49-59).

30. As per claims 27 and 30, Doyle taught the invention substantially as claimed in claims 22-26. Doyle did not specifically teach to further comprise a content map that indicates, for at least some content requests, at least one secondary server known to store at least a type of

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content that corresponds to that content request. Shannon taught to comprise a content map that indicates at least one secondary server known to store at least a type of content that corresponds to a content request (col.9, lines 18-24, 64-67, col.10, lines 1-28; category database) and further use the content map to match the content request and determine whether the requesting user is permitted to access the secondary server (col.10, lines 24-28, col.12, lines 37-45, col.13, lines 19-30, 52-67, col.14, lines 1-5, 16-25, 49-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Doyle and Shannon because Shannon's teaching of accessing control and database matching enables Doyle's system to match the content categories in the request and determine whether the user is permitted to access the particular server to obtain the requested content.

31. As per claims 28 and 31, Doyle and Shannon taught the invention substantially as claimed in claims 27 and 30. Shannon further taught that the means for generating and transmitting determines the at least one secondary server to which the second content request is transmitted based on the content map (col.10, lines 10-28, col.12, lines 37-45, col.13, lines 19-30, 52-67, col.14, lines 1-5, 16-25, 49-59).

32. As per claims 29 and 32, Doyle and Shannon taught the invention substantially as claimed in claims 27 and 30. Shannon further taught that the means for generating and transmitting determines whether the content map indicates at least one secondary server known to store at least a type of content that corresponds to the content corresponding to the first content request, the means for generating and transmitting generating a search of a plurality of

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secondary servers if the content map does not indicate at least one secondary server known to store at least a type of content that corresponds to the content corresponding to the first content request, the means for generating and transmitting updating the content map based on results of the search (col.10, lines 10-28, col.12, lines 37-45, col.13, lines 19-30, 52-67, col.14, lines 1-5, 16-25, 49-59).

### *Conclusion*

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Logue et al, US 6,647,421.

Terry et al, US 5,581,753.

Taylor et al, US 6,721,794.

34. A shortened statutory period for reply to this Office action is set to expire **THREE MONTHS** from the mailing date of this action.

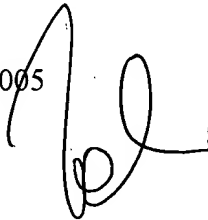
35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (571) 272-3968. The examiner can normally be reached on 8 AM to 5 PM Tue.-Fri. and every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksl  
January 4, 2005

A handwritten signature in black ink, appearing to be 'JF', written over a horizontal line.

**JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**